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INFO RUCNCLS/SOUTH AND CENTRAL ASIA COLLECTIVE
RUCNCIS/CIS COLLECTIVE 1114
RUEHZN/EUROPEAN POLITICAL COLLECTIVE
RUEHBJ/AMEMBASSY BEIJING 0512
RUEHKO/AMEMBASSY TOKYO 1218
RUEKJCS/JOINT STAFF WASHDC
RUEAIIA/CIA WASHDC
RHEFAAA/DIA WASHDC
RHEHNSC/NSC WASHDC 0687
RUEKJCS/SECDEF WASHDC 0603
RHMFIS/CDR USCENTCOM MACDILL AFB FL
RUEAWJA/DEPT OF JUSTICE WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 ASTANA 000175

SIPDIS

STATE FOR SCA/CEN, CA/OCS
FRANKFURT FOR REGIONAL CONSULAR OFFICER

E.O. 12958: DECL: 01/29/2029

TAGS: PGOV PREL CASC KZ

SUBJECT: KAZAKHSTAN: PEACE CORPS VOLUNTEER ACCEPTS MFA
PROPOSAL TO RESOLVE CRIMINAL CASE, COURT PROCEEDINGS BEGIN

REF: A. ASTANA 0135
1B. ASTANA 0055
1C. 08 ASTANA 2576
1D. 08 ASTANA 2410 (NOTAL)

Classified By: Ambassador Richard E. Hoagland: 1.4 (B), (D)

11. (C) SUMMARY: Peace Corps Volunteer Anthony Sharp has accepted the proposal made by MFA Americas Department head Talgat Kaliyev for resolving his criminal case -- specifically, that after a brief closed trial, Sharp will be found guilty, given a suspended sentence, and immediately deported from the country. Court proceedings in the case began in Ridder on January 28, with Consular Chief and Peace Corps Country Director in attendance. After just 30 minutes, the proceedings were adjourned to January 30. Sharp's lawyers believe that the proceedings will be concluded during the week of February 2 (i.e., next week). Consular Chief reported from Ridder that he is relatively comfortable with the current course of events. END SUMMARY.

PEACE CORPS VOLUNTEER ACCEPTS MFA PROPOSAL

12. (C) Consular Chief and Peace Corps Country Director traveled to Ridder on January 26, together with the newly-hired lawyers for Peace Corps Volunteer Anthony Sharp. They briefed Sharp and the lawyers about the proposal made by MFA Americas Department head Talgat Kaliyev for resolving Sharp's criminal case -- specifically, that after a brief closed trial, Sharp would be found guilty, given a suspended sentence, and immediately deported from the country. Consular Chief and Peace Corps Country Director also told Sharp about the alternative the Embassy proposed to Kaliyev -- i.e., that Sharp would consider pleading guilty to a lesser charge of trespassing, which carries a maximum penalty of 15 days in jail, if all the other charges, including the explosives charge, were dropped (see reftel A).

13. (C) Sharp's legal team -- which includes a corporate lawyer from Chadbourne and Parke overseeing the case, a criminal defense attorney, and a former judge from Ust-Kamenogorsk -- explained to Consular Chief and Peace Corps Director that they believe the case against Sharp is weak, and that in a fair, open trial, they would prevail in getting the charges reduced to administrative ones. Sharp's

initial reaction was that he preferred the Embassy's plea-bargain alternative over Kaliyev's proposal. Sharp also reported that police from Ust-Kamenogorsk appeared to be investigating a new case against him, connected to "secret" Soviet topographical maps from the 1960s which were found in his apartment.

¶14. (C) Pol-Econ Chief met on January 27 with Kaliyev, who on this occasion declined to directly address the Embassy's alternative proposal. Instead, he insisted that Sharp should accept his own proposal, promising that there would be nothing to worry about and that everything would be finished within a week or so. Kaliyev, however, left open the possibility that in the end, the judge might not convict Sharp on all the criminal charges. He also made clear that he had directly discussed the case with the Ministry of Internal Affairs (MVD) and Procurator General's Office. He assured Pol-Econ Chief not to be concerned about the new investigation against Sharp: "That's just part of the game."

¶15. (C) Pol-Econ Chief relayed the gist of the Kaliyev meeting to Consular Chief, who informed Sharp. On the basis of Kaliyev's reassurances, Sharp agreed to accept Kaliyev's proposal. Pol-Econ Chief immediately informed Kaliyev and asked him to relay the acceptance to all the other relevant parties among the authorities.

COURT PROCEEDINGS BEGIN

¶16. (C) Court proceedings in Sharp's case began in Ridder on January 28. Somewhat surprisingly, these initial proceedings were not closed to the public. Consular Chief and Peace

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Corps Country Director attended, along with Sharp and his lawyers. After just 30 minutes, the proceedings were adjourned until January 30. Sharp's lawyers believe the proceedings might continue into the week of February 2, but should not go on any longer than that. They plan on putting into the record all their evidence to counter the procurator's case, but will not file motions that might delay an end to the proceedings. Consular Chief reported from Ridder that he is relatively comfortable with the current course of events. He and Peace Corps Country Director will remain in Ridder to continue attending court sessions.

SHARP MOVED TO HOTEL

¶17. (C) Sharp has been moved from his residence to the hotel where Consular Chief, Peace Corps Country Director, and the lawyers are staying. This step was taken after police knocked on the door of Sharp's residence very late in the evening on January 27. Sharp will henceforth be accompanied at all times by a lawyer or U.S. Embassy representative, to ensure that there are no opportunities for further provocations against him.

HOAGLAND